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9 Attorneys for FIRE MATERIALS GROUP, LLC, and
10 TELGIAN CORPORATION

11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 R&O CONSTRUCTION COMPANY, a) CASE NO: 2:09-cv-00147
14 Utah corporation,)
15 Plaintiff,) **STIPULATION AND ORDER FOR**
16 v.) **DISMISSAL WITH PREJUDICE OF THE**
17) **ENTIRE ACTION**
18 FIRE MATERIALS GROUP, LLC, a)
19 Georgia limited liability)
20 company; TELGIAN CORPORATION, a)
21 California corporation; and)
22 WESTCHESTER SURPLUS LINES)
23 INSURANCE COMPANY, a Georgia)
24 corporation,)
25 Defendants.)
26 FIRE MATERIALS GROUP, LLC, and)
27 TELGIAN CORPORATION,)
28 Third-Party Plaintiffs,)
29 v.)
30 RED ROCK FIRE PROTECTION and)
31 ROES 1-50,)
32 Third-Party Defendants.)

33 The parties who have entered an appearance in the above-
34 captioned matter, Plaintiff, R&O CONSTRUCTION COMPANY,
35 ("Plaintiff"), Defendant, WESTCHESTER SURPLUS LINES INSURANCE
36 COMPANY, ("WESTCHESTER"), Defendant, FIRE MATERIALS GROUP, LLC,
37 ("FMG"), and Defendant, TELGIAN CORPORATION ("TELGIAN"), by and

1 through their respective counsel of record, hereby stipulate for
2 dismissal of the above-captioned matter as follows:

3 WHEREAS the parties have reached full and final settlement
4 in the above-captioned matter;

5 ACCORDINGLY, IT IS HEREBY STIPULATED by and between counsel
6 for Plaintiff, counsel for FMG and TELGIAN, and counsel for
7 WESTCHESTER that the Complaint filed by Plaintiff, and the
8 Third-Party Complaint filed by FMG and TELGIAN against Third
9 Party Defendant, RED ROCK FIRE PROTECTION, and any other claims,
10 cross-claims, counter-claims, or third-party claims by or
11 between the above-referenced parties are hereby dismissed, with
12 prejudice, and each party shall bear its own fees and costs.

13 Therefore, good cause exists for the above-captioned matter
14 to be dismissed with prejudice, and counsel respectfully
15 requests that this Honorable Court adopt the Stipulation and
16 [Proposed] Order for Dismissal.

17 DATED: August 18, 2010 CALLISTER NEBEKER & McCULLOUGH

18 */s/ Michael D. Stanger*

19

MICHAEL D. STANGER, ESQ.
20 Attorneys for Plaintiff

21 DATED: August 18, 2010 THE JOHNSON FIRM, LLC

22 */s/ C. Michael Johnson*

23

C. MICHAEL JOHNSON, ESQ.
24 Attorneys for WESTCHESTER SURPLUS
LINES INSURANCE COMPANY

25 DATED: August 18, 2010 LINCOLN, GUSTAFSON & CERCOS

26 */s/ Shannon G. Rooney*

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RANDALL D. GUSTAFSON, ESQ.
28 SHANNON G. ROONEY, ESQ.

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Attorneys for Defendants/Third
Party Complainants FIRE MATERIALS
GROUP, LLC and TELGIAN CORPORATION

IT IS SO ORDERED.

DATED: 8/19/2010


UNITED STATES DISTRICT JUDGE